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11 **UNITED STATES DISTRICT COURT FOR THE  
12 SOUTHERN DISTRICT OF CALIFORNIA**  
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15 In Re DMCA Subpoena to eBay, Inc.  
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18 **Case No. 15MC0383**  
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24 Barry Rosen's Request to the Clerk for  
25 Issuance of Subpoena to eBay, Inc.,  
26 Pursuant to 17 U.S.C. § 512(h) to Identify  
27 Alleged Infringers  
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29 Petitioner, Barry Rosen ("Rosen"), through his undersigned counsel of record,  
30 hereby request that the Clerk of this Court issue a subpoena to eBay, Inc. to identify  
31 alleged infringers at issue, pursuant to the Digital Millennium Copyright Act  
32 ("DMCA"), 17 U.S.C. § 512(h) (the "DMCA Subpoena"). The proposed DMCA  
33 Subpoena is attached hereto as Exhibit A.

34 The DMCA Subpoena is directed to eBay, Inc. the service provider of a site to  
35 which the infringing parties identified as "cbsbuzz," "pmaybee," "w0jlc," "krob99,"  
36 "raffles2842013," "hightide," "lissysphotos," "rainbogems," "fitmom824," "mr.marion,"  
37 "hbaker09," "jcagney," "hairybeury," "kovintage2013," "bc-vintage," "byrograph2,"  
38 "hslsports," "historyofthegame," "bswitco," "vintage81," "powerangers," "nyc3870,"

1 “khw,” “bluefly64,” “konofrio79,” “dave-charles-art,” “superstarsgallery,” “aitx,”  
 2 “philcobb,” “1stchoicephotosandposters,” “veteranofwar,” “westcoastrackers,”  
 3 “tensistersimages,” “123-packfan,” “kentucky-roots,” “sireltonjohn,”  
 4 “presspasscollectibles,” “pinoke51,” “nwo\_4life\_2012,” “jd1977a,” “togs-20726,”  
 5 “celluloidmemories,” “sportscards,” “weeeeeace,” “thisandthat101,” “moviestarspixs,”  
 6 “t50fox,” “bigscreenimages2012,” “black\_and\_blue\_ink,” “123arrick,”  
 7 “moviemagicandmore,” “glamourgirlsautographs,” “timanne2000,” “picbliss,”  
 8 “cardboardlegendsonline,” “southboundtim,” “irishrain,” “softaddict,” “moviefanz,”  
 9 “sepiacin6,” and “Wylarcollectibles” posted content that infringe copyrights held by  
 Rosen. (See Declaration of Adam I. Gafni (“Gafni Decl.” Exhibit 1.)

10       Rosen has satisfied the requirements for issuance of a subpoena pursuant to 17  
 11 U.S.C. § 512(h), namely:

- 12       (1) Rosen has submitted copies of the notifications he sent to eBay, Inc. pursuant  
           to 17 U.S.C. § 512(c)(3)(A) as Exhibit 1 to the Declaration of Adam I. Gafni.
- 13       (2) Rosen has submitted the proposed DMCA subpoena concurrently herewith  
           (Exhibit A hereto); and
- 14       (3) Rosen, through his counsel of record, has submitted a sworn declaration  
           confirming that the purpose for which the DMCA subpoena is sought is to  
           obtain the identity of an alleged infringer or infringers, and that such  
           information will only be used for the purpose of protecting Rosen’s rights  
           under Title 17 U.S.C. § 512(h)(2). *See* Gafni Decl., ¶ 4.

21       Because Rosen has complied with the statutory requirements, Rosen  
 22 respectfully requests that the Clerk expeditiously issue and sign the proposed DMCA  
 23 Subpoena, pursuant to 17 U.S.C. 512(h)(4).

24       Dated:      March 27, 2015

WOOLF GAFNI & CIRLIN LLP

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 26       By: /s/ Adam I. Gafni  
 27                   Adam I. Gafni  
 28                   Attorneys for Plaintiff